

REMARKS

The Applicants like to extend thanks to the Examiner for granting telephonic interviews to discuss issues associated with the cited reference Magee. By this Amendment, claims 1, 4, 8, and 9 have been amended to incorporate features agreed between the Representative of the Applicants and the Examiner to clarify the claimed invention without disclaimer. Reconsideration of this application as amended, and allowance of all pending claims are hereby respectfully requested.

The amended independent claims 1, 4, 8 and 9 recite “separating a first transport stream, processed by a digital compression process, into a first TS packet string … and a second TS packet string …; converting a bit rate of the first TS packet string …”. Since the first transport stream is a stream processed by a digital compression process and the first TS packet string is separated from the first compressed transport stream, the first TS packet string is also a string that is processed by a digital compression process. That is, the bit rate conversion applied to the first TS packet string is applied to a string processed by a digital compression process. Magee does not teach this feature, as the Examiner agreed during the telephone interviews.

The Examiner asserted, prior to the agreement made during the interviews, that the D1 signal as described in Magee can be construed to read on the “first transport stream” and therefore, the re-sampling performed by module 17 of Magee reads on the recited bit rate conversion as applied to the first packet string. During the interviews, it is agreed that D1 is a signal that is not “processed by a digital compression process” and therefore, the data re-sampling, performed by module 17 of Fig. 1 applies to data that is not “processed by a digital compression process”, as claimed in claims 1, 4, 8, and 9. In fact, the re-sampled data from module 17, according to Magee, is fed to module 19 to be “processed by a digital compression process”. That is, Magee does not teach the feature of “converting a bit rate of the first TS packet string”, as recited in claims 1, 4, 8, and 9. Therefore, Magee does not anticipate claims 1, 4, 8, and 9. Claims 3 and 7 depend from claim 1 and claim 4,

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respectively. Therefore, Magee does not anticipate claims 3 and 7 for at least the same reasons stated above with respect to claims 1 and 4, respectively, and for additional features recited therein.

Since Magee merely teaches a re-multiplexing scheme, there is no motivation or suggestion in Magee to perform a bit rate conversion on a packet string that is "processed by a digital compression process". Without such a suggestion, no *prima facie* case of obviousness can be established. Therefore, claims 1, 4, 8, and 9 are not obvious over Magee. Claims 3 and 7 depend from claim 1 and claim 4, respectively. Therefore, claims 3 and 7 are not obvious over Magee for at least the same reasons stated above with respect to claims 1 and 4, respectively, and for additional features recited therein.

The Applicants believe that all pending claims are patentable. The Examiner's reconsideration for allowance is hereby earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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